

“ On the whole, I perfectly concur in the opinion expressed by the noble and learned Lord. I have stated my views on this case without much order, as they occurred to me. There is no room for the question of insanity here. I agree also with his Lordship, that we ought to follow that mode, in framing our judgment, which he proposes.”

1813.

WATT  
v.  
MORRIS, &c.

LORD CARLETON said,—

“ I concur with your Lordships. There was much evidence of the sanity on the 22nd of March 1805, and none of insanity, except the act of suicide ; but insanity is not to be inferred from this act alone ; if it were so, there could be no such thing as *felo de se*.”

24th May 1813.\* The Lords find, That it is proved by competent evidence, that Quintine M'Adam and the pursuer did, on the 22d day of March 1805, intend to contract marriage, and become husband and wife, and did then forthwith contract matrimony and become husband and wife by declarations and acts made and done solemnly, seriously, deliberately, and publicly, before several witnesses for such purpose; and that it is also proved by competent evidence that the said Quintine M'Adam was, at the time of such declarations made and acts done, of competent mind and understanding, to contract marriage; that the evidence repelled, if received, could not have affected such evidence, and that therefore it is not necessary to decide whether such evidence ought to have been received. And therefore it is ordered and adjudged, that the said appeal be dismissed, and the interlocutors be, and the same are hereby affirmed.

Journals of  
the House of  
Lords.

For the Appellants, *Henry Erskine, John Clerk.*

For the Respondents, *Ad. Rolland, Sir Sam. Romilly,  
Geo. Cranstoun, Tho. Thomson.*

[Dow's Rep. vol. i. p. 32.)

JOHN WATT, Merchant in Dundee, *Appellant ;*  
JOHN MORRIS, Younger of Allanhill, and } *Respondents.*  
WM. WALLACE, Merchant in St. Andrews, }

House of Lords, 10th May 1813.

INSURANCE—UNSEAWORTHINESS.

An insurance was effected on a vessel for £700, freighted

\* The date at the beginning of this case is a misprint.

1813. by the appellants from the respondents, the owners, to proceed to Riga or St. Petersburg, from St. Andrews, warranted by the respondents "completely fitted, and sound  
 ROBINSON, &c. v. CLARK, &c. "to proceed on the voyage." She sprung a leak on her voyage out, and was lost on her voyage home. In an action on the policy, the defence stated was, that the ship was not sea-worthy. The Court of Session, after various interlocutors, sustained action for the sum in the policy. In the House of Lords this was reversed.

For the Appellant, *J. A. Park, Ralph Carr.*

For the Respondents, *David Douglas, Fra. Horner.*

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| <p>WM. ROBINSON of Banff, CHAS. KER of Liverpool, ROBERT AINSLIE, Writer to the Signet, and JAMES CAMPBELL of Edinburgh, and GEORGE ROBINSON, W.S., Edinburgh, Underwriters on the hull and materials of the ship Midsummer Blossom, . . . . .</p> | } | Appellants ; |
| <p>WM. CLARK, Junior, of Wallsend, Esq., and PATRICK IRVINE, WS., Mandatory,</p>   | } | Respondents. |

House of Lords, 15th May 1813.

**INSURANCE—UNSEAWORTHINESS—CONCEALMENT.**—A vessel was insured from Honduras to London. Soon after leaving the harbour she became leaky, and returned again to port. In doing so, she struck against a rock, and was lost. In an action for the sum in the policy, held there was no sufficient evidence of unseaworthiness. Reversed in the House of Lords, and held that the ship was to be taken as having been unseaworthy at the time of sailing on the voyage insured.

The appellants are underwriters on the hull and vessel, Midsummer Blossom, of which the respondent Clark is proprietor; the vessel was lost in Nov. 1801, on a voyage from Belize river in Honduras to London; and the question for decision was, if the ship was or was not sea-worthy at the time when she undertook to perform, or sailed on her homeward voyage? The risk assured was, "at and from Honduras to London." The vessel was thirty-five years old. She sailed from Belize harbour on 28th October.